

JUL 30 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN CARLOS BECERRA-RAMIREZ;
MARIA JANETH CORTES-TORRES,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-71579

Agency Nos. A75-762-979
A75-762-978

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 22, 2008**

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Juan Carlos Becerra-Ramirez and Maria Janeth Cortes-Torres, married natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' orders dismissing their appeal from an immigration judge's

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

(“IJ”) decision denying their applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence the agency’s physical presence determination. *Ibarra-Flores v. Gonzales*, 439 F.3d 614, 618 (9th Cir. 2006). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the agency’s determination that Maria Cortes-Torres did not establish the requisite hardship for cancellation of removal. *See* 8 U.S.C. § 1252(a)(2)(B)(i).

Substantial evidence supports the agency’s determination that Juan Becerra-Ramirez knowingly and voluntarily consented to voluntary departure in lieu of being placed in removal proceedings and appearing before an IJ, therefore interrupting his accrual of continuous physical presence in the United States. *See Gutierrez v. Mukasey*, 521 F.3d 1114, 1117-18 (9th Cir. 2008).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.